



"The mission of Maricopa County is to provide regional leadership and fiscally responsible, necessary public services to its residents so they can enjoy living in healthy and safe communities."

Board Members

Max Wilson, District 4, Chairman
Fulton Brock, District 1
Don Stapley, District 2
Andrew Kunasek, District 3
Mary Rose Wilcox, District 5

County Manager

David Smith

Clerk of the Board

Fran McCarroll

Meeting Location

Supervisors' Auditorium
205 W. Jefferson
Phoenix, AZ 85003

FORMAL MEETING MINUTES

BOARD OF SUPERVISORS MARICOPA COUNTY, ARIZONA

(and the Boards of Directors of the Flood Control District, Library District, Stadium District, Improvement Districts and/or Board of Deposit)

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**Wednesday, August 19, 2009
9:00 AM**

1. INVOCATION

Joshua Harts, Clerk of the Board's Office, gave the invocation.

2. PLEDGE OF ALLEGIANCE

Martin Camacho, Office of the County Manager, led the assemblage in the Pledge to the Flag.

3. ROLL CALL

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 AM on Wednesday, August 19, 2009, in the Board of Supervisors Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Max Wilson, Chairman, District 4; Fulton Brock, District 1; Don Stapley, Vice Chairman, District 2; Andrew Kunasek, District 3; Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

4. PET SHOWCASE BY MARICOPA COUNTY ANIMAL CARE AND CONTROL

Aprille Hollis, Animal Care and Control, introduced Pony, a three-month-old Australian Sheppard mix who should not get too big and who loves children. Pony is available for adoption at 11:00 a.m. today for \$85, which includes neutering, licensing and rabies shots. Call 602-506-PETS for more information.

STATUTORY HEARINGS

Clerk of the Board

5. LIQUOR LICENSE APPLICATIONS

This is the time scheduled for a public hearing on the applications for liquor licenses. At this hearing, the Board of Supervisors will determine the recommendation to the State Liquor Board as to whether the State Liquor Board should grant or deny the license.

a. NEW LICENSE FOR DESERT BELLE PADDLEBOAT

Pursuant to A.R.S. § 4-201, approve an application filed by David James Smith for a New Series 8 Liquor License for Desert Belle Paddleboat at 14011 N. Bush Highway, Mesa, AZ 85215. (AZ08073013)(Supervisory District 2) (C-06-10-024-L-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Wilcox, Wilson
Nays: Brock

b. SPECIAL EVENT LICENSE FOR CATHOLIC DAUGHTERS OF THE AMERICAS

Pursuant to A.R.S. § 4-203.02, approve a Special Event Liquor License Application filed by Joan Therese Cosson for the Catholic Daughters of the Americas at 14818 W. Deer Valley Drive, Sun City West, AZ 85375 to be held on October 25, 2009 from 3:00 p.m. to 7:00 p.m. (Supervisory District 4) (C-06-10-038-L-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Wilcox, Wilson
Nays: Brock

c. SPECIAL EVENT LICENSE FOR CROWN OF LIFE LUTHERN CHURCH

Pursuant to A.R.S. § 4-203.02, approve a Special Event Liquor License Application filed by Richard J. Anderson for the Crown of Life Lutheran Church at 19803 R. H. Johnson Boulevard, Sun City West, AZ 85375 to be held on October 16, 2009 from 3:00 p.m. to 8:00 p.m. (Supervisory District 4) (C-06-10-039-L-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Wilcox, Wilson
Nays: Brock

d. SPECIAL EVENT LICENSE FOR FOUNTAIN OF LIFE LUTHERAN CHURCH

Pursuant to A.R.S. § 4-203.02, approve a Special Event Liquor License Application filed by Joanne Christine Devries for Fountain of Life Lutheran Church at 15630 N. Del Webb Boulevard, Sun City, 85351 to be held on October 25, 2009 from 4:00 p.m. to 9:00 p.m. (Supervisory District 4) (C-06-10-037-M-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Wilcox, Wilson
Nays: Brock

e. SPECIAL EVENT LICENSE FOR THEATRE WEST

Pursuant to A.R.S. § 4-203.02, approve three Special Event Liquor License Applications filed by William J. Campbell for Theatre West located at the corner of Stardust and R.H. Johnson Boulevards to be held on October 30, 2009, January 29, 2010 and March 19, 2010 from 8:30 p.m. to 11:30 p.m. (Supervisory District 4) (C-06-10-040-L-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Wilcox, Wilson
Nays: Brock

Public Works

6. ROAD FILE DECLARATIONS

Approve, by resolution, petitions to open and declare the following roads into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation.

a. ROAD FILE NO. 5830

Road File No. 5830 to Open and Declare the following described alignments into the County Transportation System.

General Vicinity: Ocotillo Road and 228th Street. This action is in accordance with A.R.S. Titles 28- 6701, 6705(A) and 11-806.01(M). Supervisor District No. 1 (C-91-09-193-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

b. ROAD FILE NO. A-417

Road File No. A-417, said alignment is also known as 11th Avenue from Honda Bow Road to 13th Avenue, lying within Supervisory District No. 3

General Vicinity: 11th Avenue from Honda Bow Road to 13th Avenue. This action is in accordance with A.R.S. Title 28- 6701, 6702 and 6703. (C-91-09-199-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

c. ROAD FILE NO. A-419

Road File No. A-419, said alignment is also known as 11th Avenue from Maddock Road to Joy Ranch Road, lying within Supervisor District No. 3. (C-91-10-002-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Adult Probation

7. ESTABLISH A PRESENTENCE REPORT FEE

Convene the scheduled public hearing, to establish a Presentence Report Fee of \$150.00 per defendant report to begin upon approval by the Board of Supervisors pursuant to a request from the Presiding Judge of the Superior Court of Arizona in Maricopa County. The proposed presentence report fee will be assessed against each individual for whom, at the time of sentencing, the department was ordered by the Court to investigate and complete a presentence report. This fee shall be collected by the Clerk of the Superior Court from the individual within thirty (30) days of sentencing or release from custody. The Presentence Report Fee shall be deposited by the Clerk of the Superior Court into the Adult Probation Services Fees Fund (201).

A.R.S.§11-251.08 authorizes county boards of supervisors to adopt fees for any specific service the county provides to the public as long as that fee is attributable to and defrays the expense of the service for which the fee is assessed and the fee does not exceed the actual cost of that service. In FY 08, presentence division staff completed 17,411 reports at a cost of \$434.91 each. The Court would like to assess a fee of \$150 as a partial cost recovery. This amount represents a realistic level at which to test collection ability. It will be evaluated following the first year of collections to determine the appropriateness of increasing the amount based on collection rates.

Note: recommendation to cancel public hearing - matter under review by legal department. (C-11-09-006-M-00)

The Clerk announced that additional legal research needs to be done on this item and the department has requested the Board to cancel this hearing, to be reposted and republished at a later date, if necessary.

Motion to cancel this hearing by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Air Quality

8. PROPOSED CONFERENCE REGISTRATION FEES

Pursuant to A.R.S. §11-251.08, convene the scheduled public hearing, to solicit comments and consider the adoption of acceptance of proposed registration fees for the Air Quality Department's first Annual Air Quality Conference. Upon Board approval, this item will become effective August 19, 2009.

Following the hearing, adopt the proposed registration fees of \$85 per attendee for general admission and \$25 for student admission with registration complete by October 6, 2009. Registrations completed October 7, 2009 or later will have a registration fee of \$105 per attendee for general admission and \$45 for student admission. Registration fees will help to cover the costs of arranging and holding the conference. Costs include but are not limited to conference room rental fees, meals, audio-visual equipment, and other conference services.

Accept sponsorships from conference sponsors. The sponsorships are anticipated to help offset the costs associated with the venue and marketing the conference. (C-85-10-002-M-00)

The Clerk announced an amendment to the third paragraph of this item with regards to sponsorships. She read the additional language into the record:

" Also, authorize the department to accept sponsorships from conference sponsors. The sponsorships are anticipated to help offset the costs associated with the revenue and marketing of the conference. All donations received from conference sponsors will be reported to the Clerk of the Board by the department in accordance with the County's donation policy."

Supervisor Brock said he has attended city council meetings in every city in his district to encourage local attendance at this Air Quality Conference, October 20, 2009, at the Scottsdale Conference Resort Center. He encouraged all elected officials and group members interested in air quality to attend and participate in this event.

Motion to approve as amended, by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Planning and Development

9. STREET NAME CHANGES IN SUN KISSED ESTATES

Convene the scheduled public hearing to change street names in Sun Kissed Estates, Sunkissed Ranches and Sunkissed Ranches Unit 2, in Township 2 North, Range 8 West.

The following streets are to change from Dahlia Lane to Pierson Street; from Lotus Lane to Highland Avenue; from Ivy Lane to Meadowbrook Avenue; from Jasmine Lane to Campbell Avenue; and, from Smokey Wood Lane to Indian School Road.

This request supports the effort to maintain established and recognized street alignment names for emergency vehicle access.

There is no existing development that will be directly affected by the street name changes. Therefore, residential addresses will not be impacted. (C-44-09-153-M-00)

Motion to approve as amended, by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

10. MARICOPA COUNTY DRAINAGE REGULATIONS FEE SCHEDULE REVISION

Convene the scheduled public hearing, to solicit comments and consider the adoption of TA2008011, a proposal to amend the Fee Schedule for the Drainage Regulations of Maricopa County. The amended Drainage Regulation Fee Schedule is to be effective upon Board approval.

This amendment is to modify the existing fee structure to reflect current business practices and allow for recovery of fees for services. The Board continued this item indefinitely at the June 3, 2009, Board hearing.

An analysis of the cost for providing drainage has revealed that the current fee schedule does not allow for cost recovery of services rendered and that all fee categories for services are not provided under the Drainage Regulations.

A comparative analysis revealed that the proposed fees and categories are similar when benchmarked against other jurisdictions. (C-44-09-127-M-01)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

AGENCY ITEMS AND STATUTORY MATTERS

COUNTY OFFICERS

Constables

11. EXCEPTION TO THE TECHNOLOGY FINANCE PROGRAM

Approve an exception to the Technology Finance Program (TFP) to allow the Constables to purchase two laptop computers and related software to be used in the field as part of the Constables civil warrant arrest program. This purchase is funded by a grant from the Constables Ethics and Training Board, accepted in C-25-10-003-G-00.

The Board previously approved the acceptance of Constable Ethics and Training Board grant funds for the purchase of two lap-top computers. This purchase will also require an exception to the Technology Finance Program. (C-25-10-003-G-01)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

County Attorney

12. TRANSFER EXPENDITURE BUDGET AUTHORITY TO COUNTY ATTORNEY CIVIL DIVISION FOR PROPERTY TAX APPEALS

Pursuant to A.R.S. §42-17106(b), transfer FY 2009-10 expenditure appropriation of \$226,455 from the Non-Departmental (470) General Fund (100) Non-Recurring/Non-Project (0001) Unreserved Contingency line to County Attorney Civil (280) General Fund (100) Non-Recurring/Non-Project (0001). This action provides non-recurring funding for two contract Senior Attorney positions in County Attorney Civil. These positions will be dedicated to property tax appeal cases, and are necessary as the result of dramatic increase in the number of tax appeals cases being filed.

In FY 2008-09 the number of property tax appeal cases received by Maricopa County increased sharply. The percent change in cases received increased by 200% in FY 2008-09 over FY 2007-08. Such a dramatic increase is directly tied to our current economic crisis. The County Attorney Civil Division does not have sufficient budgetary resources to handle the increased caseloads. The County Attorney and OMB have collaborated in the analysis of this issue. OMB recommends a one-time budget increase sufficient to fund two Senior level attorneys and the County Attorney concurs. (C-19-10-001-2-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Sheriff

13. DONATION TO SHERIFF'S OFFICE

Accept the donation of \$872 to the Sheriff's Donation Fund from Mr. and Mrs. Joseph Arpaio. (C-50-10-019-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Nays: Wilcox

14. FY 2008-09 FEDERAL EQUITABLE SHARING AGREEMENT AND ANNUAL CERTIFICATION REPORT

Approve the FY 2008-09 Federal Equitable Sharing Agreement and Annual Certification Report between the Maricopa County Sheriff's Office (agency) and the U. S. Department of the Treasury and the U. S. Department of Justice. This report accounts for federal equitable sharing funds received from the U. S. Department of the Treasury or the U. S. Department of Justice. The term of this agreement commences October 1, 2009 and expires September 30, 2010. Also, authorize the Chairman of the Board of Supervisors to sign all documents related to this certification report and agreement.

Federal Sharing Agreements are entered into between the Federal Government, the Maricopa County Sheriff's Office and the Maricopa County Board of Supervisors. It sets forth the requirements for participation in the federal equitable sharing program and the restrictions upon the use of federally forfeited cash, property, proceeds and any interest earned thereon, which are equitably shared with participating agencies. (More commonly known as RICO funds). The Federal Annual Certification reports revenue and expenditures through June 30, 2009. Treasury funds are tracked separately from Justice funds. (C-50-10-020-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

15. ONE-TIME ADDITION TO FLEET AND EXEMPTIONS FROM MARKINGS AND THE ISSUANCE OF NON-GOVERNMENT LICENSE PLATE OF ONE GRANT FUNDED 1-TON CREW CAB 4X4 TRUCK

Approve a one-time addition to fleet of one 1-Ton Crew Cab 4X4 Truck valued at \$49,767.45. The Sheriff's Office was awarded funding designated for this purchase from the Arizona Department of Homeland Security Award Agreement 07-AZDOHS-444817-01, approved by the Board of Supervisors on December 3, 2008 (C-50-09-035-G-00).

Also, approve per A.R.S. 38-538.03 exemptions from markings and the issuance of non-government license plate. This vehicle will be used for enforcement disaster preparedness assignments where governmental anonymity is required to accomplish the mission. This vehicle is a white 2009 Ford F-350.

The estimated annual operating costs of this vehicle is \$5,500 to be supported through the Intelligence Bureau, Counter Terrorism/Homeland Security Division; General Fund (100). This is one-time addition to the fleet and the vehicle will be retired at the end of its useful life with no funding from the general fund for its replacement.

This item was continued from the June 17, 2009 and August 5, 2009 meeting.

NOTE: The Office of Management and Budget cannot recommend approval of this item until they have received the details of the Sheriff's Office vehicle fleet and had the opportunity to analyze the data.

NOTE: Addition of this vehicle to the County's fleet does not guarantee that the fleet will not be downsized in response to the complete fleet analysis currently underway, and the acquisition of this vehicle will be a factor in the analysis. The Sheriff's Office must absorb the operating costs of this vehicle within its current budget, and is expected to do so in a fashion that does not compromise public safety or detention operations. (C-50-09-084-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Nays: Wilcox

16. ONE-TIME ADDITION TO FLEET AND EXEMPTION FROM MARKINGS FOR RICO REPLACEMENT VEHICLE

Approve a one-time addition to fleet of one RICO fleet replacement vehicle. This is a 2006 Chevy pickup seized in a MCNNET investigation. It will replace RICO vehicle #26, a 2000 Dodge Ram pickup. This vehicle will be used in undercover investigations and pursuant to ARS 38-538-03 and 28-2511 (a) also approve the issuance of non-governmental license plates and exemption from markings.

This vehicle will be retired at the end of its useful life with no funding from the general fund for its replacement.

RICO funds will be used to support operations and maintenance, estimated to be \$5,000 annually. Because this vehicle is replacing another RICO vehicle, there is no financial impact.

This item was continued from the June 17, 2009 and August 5, 2009 meeting.

Note: The Office of Management and Budget cannot recommend approval of this item until they have received the details of the Sheriff's Office vehicle fleet and had the opportunity to analyze the data.

Note: Addition of this vehicle to the County's fleet does not guarantee that the fleet will not be downsized in response to the complete fleet analysis currently underway, and the acquisition of this vehicle will be a factor in the analysis. The Sheriff's Office must absorb the operating costs of this vehicle within its current budget, and is expected to do so in a fashion that does not compromise public safety or detention operations. (C-50-09-085-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Nays: Wilcox

17. ONE-TIME ADDITION TO FLEET AND EXEMPTIONS FROM MARKINGS AND THE ISSUANCE OF NON-GOVERNMENT LICENSE PLATES OF FOUR GRANT FUNDED 1-TON CREW CAB 4X4 TRUCKS

Approve a one-time addition to fleet of four 1-Ton Crew Cab 4X4 Trucks valued at \$60,963.79 each (totaling \$243,855.16). The Sheriff's Office was awarded funding designated for this purchase from the Arizona Department of Homeland Security Award Agreement 07-AZDOHS-LETPP-444207-01, approved by the Board of Supervisors on December 3, 2008 (C-50-09-034-G-00). This item has undergone the needs justification process required by Office of Management and Budget prior to release.

Also, approve per A.R.S. 38-538.03 exemptions from markings and the issuance of non-government license plates. These vehicles will be used for enforcement disaster preparedness assignments where governmental anonymity is required to accomplish the mission. These vehicles are four gray 2009 Ford F-350 trucks.

The estimated annual operating costs of these vehicles is \$5,500 each (totaling \$22,000.00) to be supported through the Intelligence Bureau, Counter Terrorism/Homeland Security Division; General Fund (100). This is one-time addition to the fleet and these vehicles will be retired at the end of their useful lives with no funding from the general fund for their replacement. This item was continued from the June 17, 2009 and August 5, 2009 meeting.

NOTE: The Office of Management and Budget cannot recommend approval of this item until they have received the details of the Sheriff's Office vehicle fleet and had the opportunity to analyze the data.

NOTE: Addition of this vehicle to the County's fleet does not guarantee that the fleet will not be downsized in response to the complete fleet analysis currently underway, and the acquisition of this vehicle will be a factor in the analysis. The Sheriff's Office must absorb the operating costs of this vehicle within its current budget, and is expected to do so in a fashion that does not compromise public safety or detention operations. (C-50-09-086-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Nays: Wilcox

Treasurer

18. TREASURER'S STATEMENT OF COLLECTIONS AND INVESTMENT SUMMARY REPORT FOR JUNE 2009

Pursuant to A.R.S. § 11-501, receive the Treasurer's Statement of Collections and Investment summary reports for June 2009, as on file in the Clerk of the Board's office and retained in accordance with Arizona State Library Archives and Public Records (ASLAPR) approved retention schedule. (ADM4006) (C-43-10-001-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

TRIAL COURTS

Justice Courts

19. ADMINISTRATIVE CORRECTION TO APPOINTMENTS FOR PRO TEM JUSTICES OF THE PEACE

Approve an administrative correction to the action taken by the Board of Supervisors on December 17, 2008 (C-24-09-008-9-00) to approve the List of Appointees for Pro Tem Justices of the Peace. This correction removes the name of Richard Miranda. Pursuant to A.R.S. § 22-121, all other appointments remain in full force and effect for the period of January 1, 2009 through December 31, 2009. This correction does not change the direction or intent of the previous action. (C-24-09-008-9-01)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

20. APPOINTMENT OF PRO TEMS - JUSTICE COURTS

Pursuant to A.R.S. §22-121, approve the appointment of David R. Fuller, James W. Hill, and Bradley Lundeen as Pro Tem Justices of the Peace for the period of August 1, 2009 through December 31, 2009, to serve in various programs in Justice Courts to reduce trial delays and promote caseload efficiency. Funding is available within the FY 2009-10 budget to cover the projected expenditure of \$26,218 of the three individuals identified. This serves the interests of judicial economy and promotes sound caseload management. (C-24-09-010-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Superior Court Judges and Commissioners

21. EXPENDITURE APPROPRIATION FOR ON-GOING PURCHASE OF INTEGRATED ON-LINE LAW LIBRARY SYSTEM

Pursuant to A.R.S. § 11-251 and by request of the Presiding Judge of the Superior Court of Arizona in Maricopa County, transfer FY 2009-10 expenditure appropriation in the amount of \$261,500 from the Non-Departmental (470) Non-Departmental Grants Fund (249) Non-Recurring/Non-Project (0001) Potential Expenditures from Fund Balance line to Superior Court (800) Law Library Fund (261) Non-Recurring/Non-Project (0001). Approval of this

action will support one-time expenditures for the purchase of a next-generation integrated online library system in the Superior Court.

The ongoing maintenance cost will be absorbed in the Superior Court (800) Law Library Fund (261) Operating (0000) budget in FY 2010.

In FY 2008-09, on March 18, 2009, the Board of Supervisors approved the expenditure of funds for payment to Innovative Interfaces, Inc. The contract signed between Innovative and the Court calls for milestone payments, rather than a single expenditure of funds. The first payment of \$47,420, 20% of the contract, was made in April, 2009. The remaining 80% of the contract is due in FY 2009-10. Additionally, the data migration could not be performed until FY 2009-10.

New approval by the Board of the continued expenditure of funds for the remaining contract amount to Innovative Interfaces, Inc. for the integrated library system from the Law Library Book Fund.

A.R.S. § 11-251 authorizes the Board of Supervisors to disburse public revenues. The Superior Court Law Library in Maricopa County requires a new integrated library system which provides electronic access to the records of holdings in the library as well as access to online research databases. The current integrated library system, which was purchased over 10 years ago, will cease to be supported by the current vendor in FY 2009-10 and is at end of life. As mandated by A.R.S. § 12-305, the funds in the Law Library Book Fund are for the sole purpose of "enhancing legal research capabilities in the county law library." The purchase of a new integrated library system is critical to the continued operation of the Superior Court Law Library in Maricopa County and required for the Law Library to continue its mandated operation pursuant to A.R.S. § 12-305. (C-80-10-003-2-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

COUNTY MANAGER

Office of the County Manager

22. EMPLOYEE AWARDS FOR REWARDING IDEAS PROGRAMS

Authorize and approve the employee awards from the Rewarding Ideas program in the amount of \$5,809 and present awards on September 2, 2009. The Rewarding Ideas Merit Award Board met on July 7, 2009, and approved and recommended the employee awards. (C-20-10-004-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

DEPUTY COUNTY MANAGER

Office of Enterprise Technology

23. AGREEMENT WITH T-MOBILE USA, INC. FOR POINT TO POINT FIXED SERVICE

Approve an Agreement between T-Mobile USA, Inc. and Maricopa County through the Office of Enterprise Technology, for the purpose of approving T-Mobile USA, Inc to provide

the County a fixed point to point microwave link between its two owned communications buildings at White Tanks Mountain in exchange for the County to permanently vacate frequencies within the 2110 to 2155 MHz band. This Agreement is non-financial and is effective from August 19, 2009 to March 31, 2010.

Maricopa County operates a fixed point to point microwave radio system within the 2110 to 2155 MHz band from White Tanks Mountain to the County's owned East Court Building. T-Mobile USA also operates within this frequency band and to eliminate any interference issues has requested Maricopa County to permanently vacate this band on White Tanks Mountain. T-Mobile USA will provided the County a new microwave path and equipment at their expense between the County's two owned facilities on White Tanks Mountain allowing for continued connectivity of County services. (C-41-09-008-3-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Public Health

24. TERMINATION OF AFFILIATION AGREEMENT WITH REMUDA RANCH CENTER FOR ANOREXIA AND BULIMIA, INC.

Approve the letter of termination for the Affiliation Agreement between Maricopa County Department of Public Health and Remuda Ranch Center for Anorexia and Bulimia, Inc. (Remuda Ranch) for the Dietetic Internship Program. Pursuant to Section 12; B. "This agreement may be terminated by either party upon thirty (30) day prior written notice to the other party". The effective date for the termination of this Agreement is August 17, 2009.

Remuda Ranch provided a letter of termination to MCDPH on July 16, 2009. (C-86-08-034-0-02)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

25. EXCEPTION TO THE TECHNOLOGY FINANCE PROGRAM CAPITAL ASSET POLICY

Approve the exemption to the Technology Finance Program (TFP), Capital Asset Policy A2507 Sub Section C. E. 4 and Subsection C. H. to allow the Department of Public Health (860) fund (532) operating budget (0000) to purchase:

- 27 laptop computers with an estimated amount of \$45,225;
- Three (3) Desk Top computers with an estimated amount of \$3,000;
- Four (4) Ultra Mobile Projectors with an estimated amount of \$4,916;
- Four (4) Projector Replacement Lamps with an estimated amount of \$1,246;
- One (1) Dual Storage Processor with an estimated amount of \$27,890;
- Two (2) Hard Drives with an estimated amount of \$11,141.

The total estimated amount is \$93,418. This equipment will be used for various programs in order to comply with grant deliverables. Each of the grantors authorized the outright purchase of this capital purchase in FY 2009-10. Funding for the TFP will not be available in future grant awards.

These capital purchases are 100% grant funded.

- The purchase of 27 laptop computers will be absorbed within the First Things First; Child Care Consultants budget for the grant year ending June 30, 2010.

- The purchase of three Desk Top computers will be absorbed within the First Things First; Nurse-Family Partnership Home Visitation budget for the grant year ending June 30, 2010.
- The purchase of four Ultra Mobile Projectors; four Projector Replacement Lamps, one Dual Storage Processor; and two Hard Drives will be absorbed within a grant from Arizona Department of Health Services, Office of Preparedness program budget for the grant year ending August 31, 2009. (C-86-10-017-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

26. PURCHASE ORDER FOR IGA FROM ARIZONA DEPARTMENT OF HEALTH SERVICES FOR FOLIC ACID DISTRIBUTION AND EDUCATION SERVICES

Approve the Purchase Order (EOH31677) from Arizona Department of Health Services (ADHS) to Maricopa County through its Department of Public Health for funding of Intergovernmental Agreement (IGA) (HG861120) for folic acid distribution and education services. The Purchase Order provides funding in the amount of \$75,000 for budget period starting July 1, 2009 through June 30, 2010. All other terms and conditions of the original IGA remain unchanged and in full force and effect.

The Department of Public Health's indirect rate for the FY 2009-10 is 19.5%. The grant indirect cost is estimated at \$12,238 and is fully recoverable.

Funding for this IGA is provided by a federal grant administered by the Arizona Department of Health Services (ADHS), and does not affect the County general fund.(C-86-08-027-2-02)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

27. AMENDMENT TO IGA WITH ARIZONA DEPARTMENT OF HEALTH SERVICES FOR WIC SERVICES

Approve Amendment No. 5, Intergovernmental Agreement (IGA) (HG861080) between Arizona Department of Health Services (ADHS) and Maricopa County by and through its Department of Public Health to provide grant funding for Women, Infants and Children (WIC) Nutritional services. This amendment replaces Price Sheet of original contract amount of \$10,240,943 with a revised Price Sheet for a budget amount of \$11,446,329. The revised Price Sheet is effective October 1, 2009 through September 30, 2010. The term of this IGA is October 1, 2007 through September 30, 2012. All other provisions of this agreement remain unchanged.

The Department of Public Health's indirect rate for FY 2009-10 is 19.5%. Grant indirect expenses are fully recoverable and are estimated at \$1,867,811.

Funds for this IGA are provided by ADHS and do not affect the County's general fund. (C-86-08-025-2-05)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

28. PURCHASE ORDER TO IGA WITH ARIZONA DEPARTMENT OF HEALTH SERVICE FOR TUBERCULOSIS CONTROL

Approve Purchase Order (E0H31844) from Arizona Department of Health Services (ADHS) to Maricopa County through its Department of Public Health for grant funding for the

Intergovernmental Agreement (IGA) HG854521 for the Tuberculosis Control Program (TB). The purchase order is for the budget period starting July 1, 2009 through June 30, 2010, for the total not-to-exceed \$460,014. The term of this IGA is July 1, 2008 through June 30, 2013.

The Department of Public Health indirect rate for FY 2009-10 is 19.5%. Indirect Cost are estimated at \$75,065, all of which is fully recoverable.

Funds for this IGA are provided by a grant from ADHS and does not affect the County's general fund. (C-86-09-008-G-03)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

29. ACQUISITION OF VEHICLES FROM EQUIPMENT SERVICES

Approve the sale and operating transfer of one vehicle from Non-Departmental (470) General Fund (100) that had been utilized by Parks to the Public Health Department (860) Public Health Grant Fund (532). Also approve the sale and operating transfer of one vehicle from Planning and Development (440) Planning and Development Fees Fund (226) to the Public Health Department (860) Public Health Grant Fund (532).

Per ARS 42-17106(B), approve a FY 2009-10 fund transfer of \$7,580 from the Public Health Grant Fund (532) to the General Fund (100). This requires an increase of \$7,580 to the FY 2009-10 Non-Departmental (470) General Fund (100) Non Recurring/Non Project (0001) revenue appropriation and an increase of \$7,580 to the FY2009-10 Public Health Department (860) Grant Fund (532) Non Recurring/Non Project (0001) expenditure appropriation with offsetting expenditure and revenue adjustments in Eliminations (980) Eliminations Fund (900) Non Recurring/Non Project Budget (0001).

Also approve a FY 2009-10 fund transfer of \$5,715 from the Public Health Grant Fund (532) to Planning and Development Fees Fund (226). This requires an increase of \$5,715 to the FY 2009-10 Planning and Development (440) Planning and Development Fees Fund (226) Non Recurring/Non Project (0001) revenue appropriation and an increase of \$5,715 to the FY2009-10 Public Health Department (860) Grant Fund (532) Non Recurring/Non Project (0001) expenditure appropriation, with offsetting expenditure and revenue adjustments in Eliminations (980) Eliminations Fund (900) Non Recurring/Non Project (0001).

The net financial impact to the County is zero.

Any adjustment needed to the Public Health Department (860) Public Health Grant Fund (532) Operating (0000) budget to allow for this transfer will be part of the grant reconciliation process. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. The net financial impact to the County is zero. (C-86-10-018-V-00)

Public Health will acquire two vehicles as follows:

Equipment Number	Description	Sales Price
32215	2002 Chevrolet 12-passenger van	\$7,580
72408	2004 Chevrolet Blazer SUV	\$5,715

Public Health is replacing the following vehicles:

Equipment Number	Description
82351	1993 Chevrolet Cavalier
32204	1993 Chevy Sport

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

ASSISTANT COUNTY MANAGER - COMMUNITY COLLABORATION

Animal Care & Control Services

30. DONATION FROM FRIENDS OF ANIMAL CARE & CONTROL

Accept the restricted monetary donation from Friends of Animal Care & Control (FACC's) of Phoenix, AZ to fund the Maricopa County Spay/Neuter Voucher Program in the amount of \$65,000 and the Foster Program in the amount of \$3,888.55. The total donation received was in the amount of \$68,888.55 which supports one position in the Foster Program.

Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C-79-10-012-D-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

31. DONATION FROM MARE CZINAR

Accept a monetary donation from Mare Czinar of Phoenix, AZ in the amount of \$250 for the care of the animals.

Donation revenue funds are deposited into Fund (573) as they are received. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C-79-10-016-D-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

32. DONATION FROM DEBORAH SUMMERSON

Accept a monetary donation from Deborah Summerson of Scottsdale, AZ in the amount of \$370 for the care of the animals.

Donation revenue funds are deposited into Fund (573) as they are received. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C-79-10-021-D-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

33. KENNEL PERMIT FOR RED ROCK RANCH

Approve kennel permit #429 pursuant to A.R.S. §11-1009 for Hollie Schwandt, d.b.a. Red Rock Ranch, 3603 S. Citrus Road, Goodyear, AZ 85338 in District 5 for the term of August 19, 2009 through August 18, 2010. The cost of a kennel permit is \$328. (C-79-10-013-L-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

34. KENNEL PERMIT FOR FRIENDS FOR LIFE

Approve kennel permit #010 pursuant to A.R.S. §11-1009 for Friends For Life, a 501 (C) 3 animal rescue and sanctuary, located at 143 W. Vaughn, Gilbert, AZ 85233 in District 2 for the term of August 19, 2009 through August 18, 2010. The cost of a kennel permit is \$328. (C-79-10-014-L-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

35. KENNEL PERMIT FOR HOLTZMAN KENNELS

Approve kennel permit #011 pursuant to A.R.S. §11-1009 for Shannon Holtzman, d.b.a. Holtzman Kennels, 3043 E. Grovers, Phoenix, AZ 85032 in District 3 for the term of August 19, 2009 through August 18, 2010. The cost of a kennel permit is \$328. (C-79-10-015-L-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

36. KENNEL PERMIT FOR MARLYNS KENNELS

Approve kennel permit #016 pursuant to A.R.S. §11-1009 for Mark Robison, d.b.a. Marlyns Kennels, 3812 N. 367th Avenue, Tonopah, AZ 85354 in District 5 for the term of August 19, 2009 through August 18, 2010. The cost of a kennel permit is \$328. (C-79-10-017-L-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

37. KENNEL PERMIT FOR BIG A KENNELS

Approve kennel permit #027 pursuant to A.R.S. §11-1009 for Alvin Reed, d.b.a. Big A Kennels, 1110 W. Mohave Street, Phoenix AZ 85007 in District 5 for the term of August 19, 2009 through August 18, 2010. The cost of a kennel permit is \$328. (C-79-10-018-L-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Human Services

38. AMENDMENT WITH FSL HOME IMPROVEMENT, AN AFFILIATE CORPORATION OF THE FOUNDATION FOR SENIOR LIVING TO PROVIDE WEATHERIZATION LOW-INCOME ASSISTANCE

Approve Amendment No. 6 to the Agreement between FLS Home Improvement, an affiliate corporation of the Foundation for Senior Living and Maricopa County administered by its Human Services Department in the not-to-exceed amount of \$1,001,551. The purpose of this contract is to perform Weatherization and Utility Repair/Replacement services for low-income families and individuals with the intention that their home energy costs will be decreased and to address energy-related health and safety issues in the home. This contract is effective July 1, 2009 through June 30, 2010.

Funding sources include funds from: Arizona Department of Commerce-Energy Office (C-22-10-003-3-00), Southwest Gas (C-22-09-172-3-00), Arizona Community Action Association (C-22-10-001-3-00) and Salt River Project (C-22-09-157-3-00). The aforementioned agenda items were approved by the Board of Supervisors on July 22, 2009.

There are no County General funds involved in this contract. (C-22-08-089-1-07)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

CHIEF FINANCIAL OFFICER

Finance

39. FUNDS TRANSFERS; WARRANTS

Approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

40. AMENDMENT TO LEASE WITH CENTRAL ARIZONA SHELTER SERVICES, INC

Approve and execute Amendment No. 2 to lease No. MC10166 with Central Arizona Shelter Services, Inc., Lessor as successor in interest to Central Arizona Shelter Services LLC, and Maricopa County, Lessee, for 7,687 square feet of warehouse space located at 1214 W. Madison, Phoenix, AZ. The term of the lease commences September 18, 2009 and terminates September 17, 2010, with an option to renew for one additional year. The annual rental rate is \$1.00 per year. The Lessee wishes to utilize this facility as a "Low Demand" shelter. This lease contains a 90-day termination provision and a six-month holdover.

This amendment was endorsed by the Facility Review Committee on July 23, 2009. (C-18-08-010-4-02)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Materials Management

41. SOLICITATION SERIALS

Approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts.

a. ADMINISTRATIVE CORRECTION REGARDING 05205-C, TIRES, OFF-HIGHWAY, OFF-SITE ROAD SERVICE

Approve an Administrative Correction to the action taken on July 22, 2009 (C-73-09-105-7-00) that awarded the renewal of SERIAL 05205-C, TIRES, OFF-HIGHWAY, OFF-SITE ROAD SERVICE (\$510,000 estimate/three years until June 30, 2012) to Purcell Tire Company. This correction changes the renewal award from Purcell Tire Company to GCR Tire Center. (C-73-09-105-7-01)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

b. 06044-RFP, NORTEL SUPPORT AND MAINTENANCE

Approve the renewal/extension of the following contracts: (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed.)

Renewal/Extension Date: August 19, 2009

Serial: 06044-RFP

Item: Nortel Support And Maintenance (\$1,300,000 estimate/two years until August 31, 2011) This is a contract renewal for \$1,300,000 to provide support, maintenance and additional hardware for the County main telecommunications switch.

Black Box Network Services (C-73-10-008-7-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

c. 04187-S WATER WELL AND HVAC PUMP REPAIR AND OVERHAUL

Approve an increase in the price agreement for the following contracts. This request is due to an increased usage by county departments.

Serial: 04187-S

Item: Water Well and HVAC Pump Repair and Overhaul (\$150,000.00) Increase price agreement value from \$630,000.00 to \$780,000.00. There have been two previous increases to this contract. One for \$30,000 in September 2007 by Solid Waste Management and one for \$300,000 in January 2008 by Facilities

Management. This contract value increase of \$150,000.00 has been requested by Facilities Management to provide service throughout FY 2009-10.

Foster Electric-Arizona Pump
Weber Group LC (C-73-10-009-7-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Risk Management

42. IRREVOCABLE STANDBY LETTER OF CREDIT WITH BANK OF AMERICA FY 2010

Approve and authorize Maricopa County Treasurer to execute an Irrevocable Standby Letter of Credit with Bank of America. The amount of the Letter of Credit is to be \$5,325,903, with the Industrial Commission of Arizona as beneficiary. (C-75-09-006-2-01)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

ASSISTANT COUNTY MANAGER - PUBLIC WORKS

Public Works

43. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. The list is on file in the Clerk of the Board's Office. (C-06-10-059-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

44. GRANT FUNDS FROM ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY RECYCLING PROGRAM

Approve the application and acceptance of grant funds from the Arizona Department of Environmental Quality (ADEQ) Recycling Program in the amount of \$200,000 for Maricopa County Household Hazardous Waste and Community Cleanup Projects and \$52,637 to fund a School Waste Education Outreach Program.

The grant applications are requesting funds to help support Household Hazardous Waste Collections and Community Clean ups in 2-4 rural or unincorporated communities and to support 7-8 rural or unincorporated schools with waste education and information programs.

Authorize the Solid Waste Director to sign all documents related to these grant funds. The term of the grants is from July 1, 2009 through June 30, 2010. These grants are non-renewable.

The Maricopa County Department of Finance has calculated MCSWM's indirect cost rate at 7.8% (based on landfills) for FY2010. These Grants do not allow for indirect costs, therefore the unrecoverable indirect cost of administering these grants is estimated to be \$15,600 and \$4,106 respectively. Grant revenues are not local revenues for the purpose of the

constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105.

Arizona Department of Environmental Quality's Recycling Program may grant Maricopa County Solid Waste Management \$200,000.00 and \$52,637.00 to fund Household Hazardous Waste and Community Cleanup Projects and a School Waste Education Outreach Program.

The Household Hazardous Waste Grant requires a monetary match of \$61,516 to be met through the Solid Waste Fund and \$19,409 of in-kind services. The School Waste Education Outreach Program Grant requires a monetary match of \$16,517 to be met through the Solid Waste Fund and \$24,690 of in-kind services. Supervisory District No(s): Countywide. (C-91-09-190-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

45. BID AND AWARD FOR RIO VERDE DRIVE - 136TH STREET TO FOREST ROAD

Approve the solicitation of bids for the Maricopa County Department of Transportation Rio Verde Drive - 136th Street to Forest Road Dust Mitigation (DMIT) Project, Job No. T192. Also, approve the award to the lowest responsive bidder, provided that the lowest responsive bidder does not exceed the Engineer's estimate by ten percent.

The purpose of this project is to pave existing dirt shoulders and widen some intersections. This paving will enhance roadway safety and provide bike lanes on each side of Rio Verde as a continuation of the existing bike lanes which will extend a very popular bicycle route in the northeast valley.

This project will be procured in accordance with the mandate set forth in the Maricopa County Procurement Code, Article 5, and Section 504. This project is located in Supervisor District No. 2. (C-91-10-010-5-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

46. ROAD ABANDONMENT (ROAD FILE NO. AB-232)

Pursuant to A.R.S. § 28-6709 and 28-7202, adopt Resolution AB-232 to abandon a portion of Quenton Street in the vicinity of Quenton Street and 80th Street, which was conveyed to Maricopa County by means of a Warranty Deed on July 12, 1999 and recorded by the Maricopa County Recorder as 1999-0656379. Supervisory District No. 2. (C-91-10-013-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

47. ACCEPT PUBLIC RIGHTS-OF-WAY

Approve and accept Public Right-Of-Way as conveyed in the Map of Dedication for Germann Road. The roadways are in the vicinity of 196th Street to Hawes Road situated within the Northeast quarter of Section 8, Township 2 South, Range 7 East.

Germann Road will be improved to county standards, at no expense to Maricopa County, as part of the offsite roadway improvement for the La Jara Farms subdivision. Supervisory District No. 1 (C-91-10-011-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

48. ROAD ABANDONMENT (ROAD FILE NO. AB-233)

Pursuant to A.R.S. § 28-7214, adopt Resolution AB-233 to abandon a portion of Mingus Road (alignment) in the vicinity of Mingus Road (alignment) and 7th Street (alignment), by extinguishing the easement which was conveyed to Maricopa County by means of Easement and Agreement for Highway Purposes on November 7, 1974 and recorded by the Maricopa County Recorder as Instrument Number Docket 10902, page 749. Supervisory District No. 3 (C-91-10-014-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

BOARD OF SUPERVISORS

Clerk of the Board

49. REAPPOINTMENTS TO THE TRANSPORTATION ADVISORY BOARD

Approve the reappointments of Laura Pastor, representing Supervisorial District 5 and Jason Morris, representing Supervisorial District 3, to the Transportation Advisory Board. The term of the appointment for Ms. Pastor will be effective as of September 1, 2009 through August 31, 2012. The term of the appointment for Mr. Morris will be effective September 8, 2009 through September 7, 2012. (C-06-10-041-9-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Industrial Development Authority

50. INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF SOMERTON, ARIZONA (GOODWILL INDUSTRIES OF CENTRAL ARIZONA, INC. PROJECT)

Adoption of a Resolution ratifying Tom Manos or his designee conducting a required public hearing and approve the extension of maturity related to the issuance by the Industrial Development Authority of the Town of Somerton, Arizona (the Authority) of its Industrial Development Revenue Bonds (Goodwill Industries of Central Arizona, Inc. Project), Series 2005, and execution of an agreement whereby the borrower indemnifies Maricopa County for any and all claims from this transaction.

This item is being considered by the Board of Supervisors solely to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended. (C-18-10-027-4-00)

Supervisor Brock welcomed Tom Manos back to the County Service and thanked him for services he rendered to the Governor on a temporary basis.

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

SETTING OF HEARINGS

~All hearings will be held at 9:00 am, 205 W. Jefferson, Phoenix, unless otherwise noted~

Medical Examiner

51. MEDICAL EXAMINER HISTOLOGY MICROSCOPIC SLIDE FEE INCREASE

Pursuant to A.R.S. §11-251.08, set a public hearing for September 16, 2009, to solicit comments and consider the proposed increased histology microscopic slide increase from \$10.00 to \$11.00 per slide for the Office of the Medical Examiner. Upon Board approval, this item will become effective September 16, 2009.

The proposed increased histology microscopic slide increase from \$10.00 to \$11.00 per slide will be attributable to and defray or cover the expense of producing the histology microscopic slide for which the fee is assessed. This fee increase will not exceed the actual cost of the product or service being provided. The higher fee will offset increasing costs associated with the histology microscopic slide production. (C-29-10-001-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Animal Care and Control

52. RECOVERY FEE - ANIMAL CARE AND CONTROL

Pursuant to A.R.S. § 11-251.08, set a public hearing on September 16, 2009, to solicit comments and if approved, establish a new \$50.00 Recovery Fee effective September 30, 2009, for Maricopa County Animal Care and Control.

On July 10, 2009, the Governor signed into law HB2458 amending sections 11-1013, 11-1014, 11-1021 and 11-1022 of the Arizona Revised Statutes relating to dogs and cats. The Amendment mandates that all animals entering any pound or animal shelter shall not be released to its owner unless the owner pays a fifty dollar recovery fee, if applicable, in addition to any fees or costs otherwise required. If applicable, ~~the~~ \$50.00 recovery fee shall also apply to a dog or cat that is impounded as the result of biting any person.

MCACC estimates 40% of all animals that are claimed by their owners are not sterilized at time of impound. Based on the above percentages, MCACC estimates \$2,066 in revenue FY2009-2010. The adoption of the new fee would amend the current MCACC Fee Schedule approved by the Board of Supervisors on July 25, 2007 (C-79-08-004-8-00). (C-79-10-019-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Following the vote, the Clerk recalled an amendment to this item in the second paragraph regarding this recovery fee, and read into the record: "if applicable" should be added in two places referencing the \$50 recovery fee. She explained this was "if applicable" to the situation encountered. The amendments are shown in the agenda

item above.

Motion to amend by the maker and second to the motion to add the words "if applicable" as explained by the Clerk, by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

CONSENT AGENDA

Clerk of the Board

53. CHECK ENFORCEMENT FUND QUARTERLY REPORT

In accordance with A.R.S. §13-1811(F) County Bad Check Trust Fund, receive the quarterly financial report from the County Attorney of all revenues and expenditures from the Check Enforcement Fund for the periods of June, 2009 through September, 2009. Report is on file in the Clerk of the Board's Office. (C-06-10-047-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

54. DONATIONS

In accordance with County Policy A2805, accept the annual reports received from Parks and Recreation Department for FY 2008-09 as on file in the Clerk of the Board's Office. (C-06-10-048-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

55. DUPLICATE WARRANTS

Pursuant to A.R.S §11-632, approve and ratify the issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. Necessary affidavits have been filed with the Board. Affidavits presented are on file in the Clerk of the Board's Office. (C-06-10-050-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

56. MARKET RANGES

Pursuant to A.R.S §§11-251.38 and 251.51, approve the addition and/or replacement of Market Ranges to the authorized comprehensive listing of employee compensation Market Ranges previously approved by the Board of Supervisors. List of additional and/or replacement market ranges are on file in the Clerk of the Board's office. (C-06-10-046-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

57. MINUTES

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Board meetings held May 6, 2009, May 12, 2009, May 14, 2009, June 3, 2009 and June 24, 2009. (C-06-10-

042-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

58. PRECINCT COMMITTEEMEN

Pursuant to A.R.S. §16-821, authorize the appointment and cancellation of appointment of Precinct Committeemen. List is on file in the Clerk of the Board's Office. (C-06-10-051-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

59. SECURED TAX ROLL CORRECTIONS

Pursuant to A.R.S. §§42-15155, 16002, 16215, 16258, and 19118, approve requests from the Assessor for corrections of the Secured Tax Rolls Resolutions. This reflects actual tax dollar corrections to the County tax rolls due to administrative corrections of the Assessor and as a result of property tax appeals. Resolutions on file in the Clerk of the Board's Office. (C-06-10-052-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

60. STALE DATED WARRANTS

Pursuant to A.R.S. §11-644 the Board of Supervisors finds that claims presented, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. List of claims is on file in the Clerk of the Board's Office. (C-06-10-053-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

61. TAX ABATEMENTS

Approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §42-18353. List is on file in the Clerk of the Board's Office. (C-06-10-054-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

62. SETTLEMENT OF PROPERTY TAX CASES

Pursuant to A.R.S. §§42-16201 through 16215, approve the settlement of tax cases dated August 19, 2009. List is on file in the Clerk of the Board's Office. (C-06-10-060-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

BOARD OF SUPERVISORS ADDENDUM

Clerk of the Board

A-1. DELEGATION OF THE ASSESSOR AS THE BOARD'S REPRESENTATIVE REGARDING TAX ERROR CLAIMS

Delegate to the Assessor the authority to serve as the Board's representative with respect to the handling of notices of claim filed with the Board by property owners alleging errors in the imposition of any tax rate under A.R.S. § 42-16254. Authorize the Assessor to serve as the Board's representative in any meetings and hearings held pursuant to that statute. The Board may revoke this delegation on a case-by-case basis when it deems necessary. In the event the Assessor's Office determines that there is a matter it cannot or will not handle, it will notify the Board and the Board will retain responsibility for handling the claim. This delegation shall remain in effect until revoked by the Board.

Under A.R.S. § 42-16254, if a property owner believes that an error has been made concerning the imposition of any tax rate against his property, he may file a notice of claim with the Board of Supervisors. Upon the filing of a tax error claim with the Board, the Clerk of the Board is obligated to notify each affected taxing entity to allow it to file a response. If the taxing entity disputes the error, the Board's representative schedules a meeting between the parties to discuss the matter. If the parties agree on all or part of the proposed correction, refunds are paid with interest. If the parties fail to reach an agreement, the taxpayer may appeal the matter to the State Board of Equalization. (C-06-10-049-6-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

County Attorney

A-2. SCOTTSDALE PINNACLE OWNERS ASSOCIATION, ET AL, V. MARICOPA COUNTY, TX2006-000361, TX2007-000329, AND TX2008-000731

Authorize settlement of Scottsdale Pinnacle Owners Association, et al, v. Maricopa County, TX2006-000361, TX2007-000329, and TX2008-000731, by reducing the subject property's full cash value to \$34,000,000.00 for the 2007 tax year, \$34,000,000.00 for the 2008 tax year, and \$32,500,000.00 for the 2009 tax year with a stipulated judgment in the foregoing actions, as discussed in Executive Session on August 17, 2009. (C-19-10-002-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Workforce Management and Development

A-3. AMENDMENT TO INTERGOVERNMENTAL AGREEMENTS WITH SPECIAL HEALTH CARE DISTRICT AND COMMUNICATION WITH HRSA REGARDING RYAN WHITE HIV/AIDS PROGRAM

Approve amendment No. 1 to the following described Intergovernmental Agreements (IGA) between Maricopa County Special Health Care District (SHCD) d.b.a. Maricopa Integrated Health Services (MIHS) and Maricopa County through the Workforce Management and Development Department:

C-86-06-831-2 (for Primary Care Services)
C-86-06-844-2 (for Mental Health Services)
C-86-06-845-2 (for Substance Abuse Treatment Services), in the not-to-exceed amount of \$5,500,000 for FY 2007-08 - FY 2009-10. This Amendment is funded by a grant from Health Resources and Services Administration (HRSA), (1 H3MHA 08443-01) approved by the Board on July 12, 2006. The purpose of this IGA Amendment is to authorize MIHS to provide primary care services, mental health services, and substance abuse treatment services to qualified Ryan White HIV/AIDS Program Part A recipients and to replace the use of Exhibit 30 regarding payment for services in the master IGA between Maricopa County and the Special Health Care District, date November 1, 2004. This Amendment is effective from March 1, 2007 until February 28, 2010. In addition, the purpose of the action is to consolidate the three existing IGAs under C-31-10-001-3-00.

Also, authorize the Chairman of the Board of Supervisors, on behalf of the Board, to send a letter to Dr. Hopson, Director, HIV/AIDS Bureau, Health Resources and Services Administration (HRSA), discussing options to resolve reimbursement rates to Maricopa Integrated Health System, under the Ryan White Program Part A, as discussed in Executive Session on August 17, 2009. (C-31-10-001-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Board of Supervisors - Clerk of the Board

A-4. APPOINTMENT TO THE TRANSPORTATION ADVISORY BOARD

Approve the appointment of Jeff Martin to the Transportation Advisory Board representing Supervisorial District #2. The term of the appointment will be effective as of September 1, 2009 through August 31, 2012. (C-06-10-055-9-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

MEETING RECESSED

Chairman Wilson recessed the Board of Supervisors to reconvene as the Board of Directors for various special districts.

MEETING RECONVENED

Chairman Wilson reconvened the Board of Supervisors.

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

63. Public comment on matters pertaining to Maricopa County government. Please limit comments to two to three minutes. Note that pursuant to Arizona Open Meeting Law, Board members may not discuss matters raised under this public comment portion of the meeting; however, an individual Board member may respond to criticism made by those who have addressed the Board, ask staff to review an issue raised or may ask that the matter be placed on a future agenda. (Public comment is at the discretion of the Chairman.)

Blue Crowley, citizen, voiced concerns on city bus rates in some areas of the County along with routing and fare box concerns.

64. SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS

Supervisor Brock addressed all citizens on the excessive heat expected today and the importance of adequate hydration to compensate. He particularly spoke to the many horse owners in the audience, with reference to an equestrian item on the Planning Agenda. Mr. Brock added that he grew up on a farm in Kentucky and knew all animal lovers realized the importance of proper hydration for their animals.

*** The Board of Supervisors will now consider matters related to Planning and Zoning***

PLANNING AND ZONING AGENDA

David Smith left the dais and Victoria Mangiapane left the meeting at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Assistant County Manager, Darren Gerard, Deputy Planning and Development Director, and Wayne J. Peck, Deputy County Attorney, came forward to present the following planning and zoning cases.

REGULAR AGENDA

1. DEVELOPMENT MASTER PLAN- RIO VERDE DMP

Case Number: DMP2008007
Supervisory District: 2
Applicant: David Ward, Gallagher & Kennedy for Ryan Wampler, Sandra Coates, Patricia & Clarence Anderson
Location: North of McDowell Mountain Road and east of McDowell Mountain Regional Park (in the Rio Verde area)
Request: Development Master Plan (DMP) Amendment
Commission Action: Approve by a vote of 6-0 subject to staff recommended stipulations 'a' through 'n' and striking stipulation 'j' and subsequent numbering of stipulations as 'a' through 'm'.

(C-44-10-010-7-00)

Darren Gerard said DMP2008007 and Z2005050 are related and he would present them together. This is a 34.5 acre addition to the DMP but will not change the overall density of 1.5 per acre. The recommendation is for approval with stipulations "a" through "m." The second item, Z2005050, is rezoning for the DMP amendment.

Todd Ward, Happy Valley 302 West LLC, pointed out that this is a very logical use for this property considering the nature of its closest neighbors in all four directions. The Rio Verde Community Association has approved annexing this community as soon as all permits are approved.

Motion to concur with Planning and Zoning Commission recommendation for approval by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

2. ZONE CHANGE - RIO VERDE HIGHLANDS

Case Number: Z2005050

Supervisory District: 2

Applicant: David Ward, Gallagher & Kennedy for Ryan Wampler, Sandra Coates, Patricia & Clarence Anderson

Location: North of McDowell Mountain Road and east of McDowell Mountain Regional Park (in the Rio Verde area)

Request: Zone Change from Rural-190 to R1-18 RUPD and R1-18 (approx. 34.54 ac.) - Rio Verde Highlands

Commission Action: Approve by a vote of 6-0 with staff recommended stipulations 'a' through 'r'.
(C-44-10-003-7-00)

Motion to concur with Planning and Zoning recommendation for approval. by:
Supervisor Don Stapley, Seconded by: Supervisor Fulton Kunasek
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

3. PLAN OF DEVELOPMENT - FRY'S REFUELING CENTER

Case Number: Z2009016

Supervisory District: 2

Applicant: St. Lawrence Holding Co., Inc. for KDF/JMS Architects

Location: South of Broadway Rd. and east of Ellsworth Rd. (in the east Mesa area)

Request: Major Amendment to a Plan of Development for a fueling center in the C-S zoning district (approx. 0.75 ac.) - Fry's Refueling Center

Commission Action: Approve with a vote of 8-0 subject to staff recommended stipulations 'a' through 'm' with the addition of stipulation 'n'.
(C-44-10-004-7-00)

Darren Gerard gave background information on this case and said a typo in stipulation "a" needs to be modified to read stamped received date of July 9 instead of July 10. The recommendation is for approval.

- a. Development and use of the site shall comply with the Site Plan prepared by KDF/JMS Architects entitled "New Fueling Center Fry's", consisting of five (5) full-size sheets, dated July 9, 2009 and stamped received July ~~10~~ 9, 2009, except as modified by the stipulations.

Motion to concur with Planning and Zoning recommendation for approval, as modified, by: Supervisor Stapley, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

4. SPECIAL USE PERMIT - PHO ALLAH

Case Number: Z2009033

Supervisory District: 4

Applicant: Pinnacle Consulting, Inc. for Robert Lanford

Location: South of Rocking Horse Ln. and east of Wickenburg Highway US 60 (in the Wickenburg area)

Request: Special Use Permit (SUP) for a Wireless Communications Facility (WCF) – 100' (h) monopole stealth designed as a pine tree capable of accommodating multiple carriers - in the C-2 WHSC zoning district, Wireless Communications Facility Use District 1a (approx. 0.025 ac.) - PHO Allah

Commission Action: Approve by a vote of 6-0, with staff recommended stipulations 'a' through 't'. (See note below)

Note: A super-majority vote of the BOS is required for SUP approval. (C-44-10-005-7-00)

Darren Gerard gave background information on this case for a wireless communication facility. One letter of opposition signed by two individuals that, together, represent three ownership interests, triggers a super majority vote by the Board to approve this SUP request. The recommendation is for approval with stipulations "a" through "t."

Motion to concur with Planning and Zoning recommendation for approval on a roll call vote of the Board by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

5. MODIFICATION OF STIPULATION: HAPPY VALLEY 303 WEST

Case Number: Z2009044

Supervisory District: 4

Applicant: Happy Valley 303 West, LLC

Location: Near the southwest corner of Happy Valley Rd. & Vistancia Blvd. (in the Peoria area)

Request: Modification of Stipulation "f" of Z2007036 (approx. 21.0 ac.) - Happy Valley 303 West

Commission Action: Approve with a vote of 6-0 subject to staff recommended stipulations 'a' and 'b': a. Stipulation 'f' of Z2007036 shall read as follows: "Dedication of additional rights-of-way as identified in stipulation d.1 above shall occur no later than December 3, 2011, or prior to zoning clearance, whichever occurs first. The developer shall cooperate with the City of Peoria in providing a no-cost Temporary Construction Easement (TCE) for any work along the eastern boundary of the property." b. All other stipulations of approval for Z2007036 shall remain in effect.

(C-44-10-006-7-00)

Darren Gerard presented the history of this case and said today's modification would be to stipulation "f" of Z2007036, to allow additional time for the dedication of the involved Happy Valley Road right-of-way to all necessary straightening and widening. The recommendation is for approval with stipulations "a" and "b." Mr. Gerard added that there is a typo in stipulation "b" to be corrected. A2007036 is the original case and all other stipulations in that case will remain in effect, as given below.

b. All other stipulations of approval for Z200704436 shall remain in effect.

Motion to concur with Planning and Zoning recommendation for approval with the given modification to stipulation "b", by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

6. TEXT AMENDMENT: ACCESSORY EQUESTRIAN USES

Case TA2008006
Number:
Supervisory District: All Districts
Applicant: Commission Initiative
Location: N/A
Request: Text Amendment (TA) to the Maricopa County Zoning Ordinance (MCZO) in regard to accessory equestrian uses in Rural zoning districts.
Commission Action: Approve by a vote of 5-2-1 with changes to the language and also changing the maximum persons allowed to 50 as shown below: "Public equestrian uses accessory to a single-family residence limited to the following: 1. The boarding of up to five (5) horses and/or other equine not owned by the private property owner and/or resident. Documentation of ownership shall be maintained when more than five (5) horses and/or other equine are kept on a property. 2. Non-commercial public activities (no admission fee shall be charged) involving up to a maximum of 50 persons (including staff, participants and spectators). 3. All structures shall meet minimum setback requirements and the maximum lot coverage requirement. All parcels must meet minimum lot area and width requirements. 4. Any public equestrian use that cannot meet these conditions will require a Special Use Permit in accordance with Article 1301.1.20 of this ordinance."

(C-44-10-007-7-00)

Darren Gerard said this proposed Text Amendment is in regards to accessory equestrian uses. He said this would only apply to the rural zoning districts and is designed to allow limited public equestrian uses on single family residential lots. The ordinance was initiated two years ago and the original intent was to simply allow limited boarding of animals. In the interim the use has been broadened to allow public equestrian events with up to 24 persons in attendance.

The Planning Commission revised the language in paragraph two to allow up to 50 persons and recommend approval. Chandler, Avondale and Glendale are opposed to what they consider commercialization of rural residential neighborhoods. Staff has strong concerns with paragraph two being amended to allow more people as it presents too intense a use in rural zoning. He urged the Board to modify paragraph two back to the original number of people (24). He listed several options open to the Board today:

1. Approve the Text Amendment (TA) as presented.
2. Approve but limit paragraph two to 24 persons.
3. Approve it with revised language as given in an earlier staff memo.
4. Approve only paragraph one of the Commission language, deleting the second.
5. Maintain the status quo by denying this TA.

He noted the importance of this TA is only permitting new rights as given today and denying it would not remove any property rights that exist today for those property owners in any rural zone.

This area is located in Supervisor Kunasek's district and he presented his history with the request beginning two years ago when it had been about allowing limited boarding without going through a complete zoning process. He said at the Planning Commission's meeting there was broad confusion on what the current "rights" are for residents having friends and family-type events at their homes. He asked legal counsel

for an opinion, and Mr. Peck replied that having 50 friends and family to his home where there was horseback riding was absolutely permissible now and this text amendment would not change that right in any way since it was a private event and not a public event.

Supervisor Kunasek asked Mr. Peck if there should be concern that someone might want to invite motorcyclists instead of equestrians to their homes for a private event. He also asked about "down zoning" with regards to Proposition 207, and possible lawsuits later if it was found a mistake had been made in approving this modification.

Mr. Peck said that nothing is being taken away in this amendment, instead it is adding to homeowners privileges. He added that claims could be made if something later was taken away affecting the "value" not the "rights." As to the first question, Mr. Peck said this item refers to "equestrian" uses and he didn't believe motorcycles would qualify under that.

Before speakers were called, Supervisor Stapley offered his opinion of sticking with the simpler version of allowing the boarding of up to five horses. He felt that more horses is what initiates the questions of how many people and how many events. He felt that this was too much for a one-acre lot. He said that unless otherwise convinced he would favor just approving paragraph one and nothing else.

Supervisor Kunasek asked about "sunsetting" certain issues. Mr. Peck explained why he did not recommend sunseting in zoning cases.

Supervisor Wilcox asked about "pilot programs" such as has been done in other County departments, albeit not in zoning. Mr. Peck considered and said a new zoning district could be created and rezone a limited portion of the County for that to study it. He said that property owners would all have to agree to sign waivers to make it a pilot program. He said it would take a lot more study before it could be implemented.

The Clerk explained that a large number of residents had registered their interest for this item and some wished to speak, while others did not. The registrants included the following:

IN FAVOR: Leverage Albilbe; Nancy Brock; Donna Gutowski; Pat Wilson; Nanci Arvizu; Michael Schwein; G. Jonaitis; Ralph Lupro; Jill Loskell; Jean Simmons; Jujlee Brady; Adrien Sanchez; Deedra Perez; Karen J. Lewis; Dorrie James; Ferrell Anderson; Jason Anderson; Ward Scott; Earlis Butterbaugh; Wendy Cordray; Terri Buzan; Carolyn Klusek; Heidi Cordova; C. Dian Cordova; Darlene Turner; Teri Hart; Carol Lee' Andrea E. Oman; Martin Durrant; Fred Donaldson; Geri Trout; Marty Trout; Richard Evans; Else Evans; John Manes; Lori Toomey; Christine Roth; Valea M. Obue; Britney Dempster; Dennis McCoy; Robert Jacobson; Jim Mosx; Daniel E. Rosenfield; Terry Marron; Soleil Dolce; Lisa Albillar; Stuart Sanberg; Mike Cobb; Russell A. Bryant; Ann Hutchinson; Jeannette Fish.

OPPOSED: Karen Sutterley; Noreen Hart; Jerry Schneider; Carrie Van Wichen; Virginia Nix; Elizabeth Schram; Star Eiting; Calvin Lone; Kimberly Van Wienen; Sandy Greeneltch. Noreen Hart submitted 214 signed comment sheets in opposition.

NO DESIGNATION: Hugh Kealer; Leslie Bennett; Shareen Goodroad; Edward J. O'Brien; Kent Sanderson; Berkeley L. Geddes; Noreen Hart.

The first speaker, Karen Sutterly expressed concern that information on the website differed from that presented by staff that included changes. She felt there would have been a massive turnout if the changes had been publicized regarding the number of

people allowed on the property.

Supervisor Kunasek reminded Ms. Sutterly, and others, of the distinction between gatherings for family and friends and for the public where there is advertising and entry fee. Mr. Peck agreed saying that as a rule private events are not controlled by zoning.

Hugh Keller quoted statute to point out failures and inadequacies in public notification of this question that has limited the response of those having concerns. He asked the Board to deny the amendment and refer the question back to the Planning Commission to give proper notice to all.

Daniel Rosenfield, Esq. said those he represents are in accord with section one of this amendment but question the "no fees" reference in section two. He noted that word gets around and people show up for these things. He asked the Board to distinguish between some of the larger ranchers that do fee operations and the smaller events of a friendly get-together. He said that on this basis he would urge to accept the amendment for 50 people as opposed to 24.

Noreen Hart said she is in agreement to keep commercial aspects from rural living, noting one definition of commercial is the exchange of monies. She had no problem with fees that are not-for-profit, such as for the care, feed and upkeep of animals, which would satisfy for 4-H and people's friends and family. She asked Planning and Zoning to find a way to enforce the laws they have. She turned in opposition petitions from 214 people.

Soleil Dolce favored the TA but felt definite guidelines need to be in place, to protect small events from one person who might call-in to complain. She suggested a one-acre limit for 24 people and more people could attend on larger locations. She said that many activities are normal for the horse community and guidelines would be of benefit.

Sandy Greeneltch sponsored the welfare and importance of horses now and for a number of years. She named the many accoutrements necessary to house and care for horses and the expenses that accompany that care.

Jeanette Fish said the Farm Bureau Equine Advisory Committee has had discussion on how to deal with the situations voiced by Ms. Dolce. All it takes is one neighbor that is dissatisfied with one aspect of your property to complain and the inspectors arrive. She asserted there are people in Maricopa County who have been required to obtain a Special Use Permit (SUP) when it is not a commercial operation, and she questioned Mr. Peck's statements to the contrary. This has forced them to request guidelines today so they can have their friendly get-togethers. She added she was not talking about commercial events. Farm Bureau wants protection for the youth in 4-H and resident's friends and family and they want it to be specific kinds of protection so that one disgruntled neighbor cannot shutdown non-commercial events.

Ann Hutchinson voiced favor for this amendment, as is, she favors 50 people but would still support it if lowered to 24, but feels 50 is more practical for the way these activities evolve and are carried out by residents.

Russell Bryant spoke about the home occupancy recommendation that is circulating, feeling portions do not blend well with horse ownership and to this text amendment. He related his issues and recommended the Board avoid the home occupancy issue. He asked the Board to approve the amendment in its present form.

Berkley Geddis said he hasn't much time to take part in the activities under discussion

but felt they are important especially for today's youth and to his daughters in particular who has been approached by friends and their families to provide training and instruction with horses and on riding. He encourage the Board to move forward with provisions to provide some boarding rights for reimbursement of costs. He felt that whether rising at 4:00 a.m. to muck a stall or providing riding instruction, "It is good" for his daughters. He wants horse rights to be protected and believed those who prefer motorcycles or dogs should come and fight for them.

Kent Sanderson applauded the County's efforts to bring this necessary clarification on the zoning ordinance that he believed in some cases can be used in a vindictive sort of way against neighbors. He thinks a definition of what people are getting themselves into when they move into a rural area is necessary. A former Scottsdale resident, he moved from that home because of poor planning in allowing 6,000 square foot homes to be built next to a horse property and the complaints against neighbors became excessive. He liked this amendment and asked for it to be approved.

Mike Cobb said boarding five horses as a convenience to friends or relatives is not a profit based decision. He felt the number of people (24 vs 50) should be taken out because that restriction is taken care of by the size of the property. He said the number 24 originally came from water quality safety and if problems arise without a set number that could be addressed later. He advised the Board not to include a number.

Edward O'Brien quoted statute to assert that boarding horses is not a commercial venture. He said his understanding is that zoning regulations are to be consistent with the comprehensive plan, which states it is to protect and preserve the rural way of life. He did not feel the zoning regulations are to regulate every "what-if" scenario that may potentially be unacceptable by one neighbor of an equestrian family.

Shareen Goodroad said the New River Desert Hills Association has been very supportive of approval of this text amendment as being important to maintain their quality, rural lifestyle. She said that in the friendly backyard events there are both horses and cows involved and they need to be fed and watered and this is usually handled by owners putting \$5 or \$10 dollars in a pot to feed the cows and this is a necessary cost and not a commercial operation.

Stewart Samberg said he is not a horse person but came to share some of the softer side in giving his approval of this amendment. He felt it would be a difficulty to try to over-engineer the amendment and that one plan is not going to please everyone. He felt that people move to a rural area for their own particular reason and asked the Board to consider any adverse affect of their decision.

Jean Anderson said people live in the County because they want to have their horses and are willing to give up city amenities to do so. What they fear is people moving to adjacent parcels for the "view" but then decide they want city amenities and they don't want anything to spoil "their" serenity. She asked for the TA to be approved, adding that the horse community provides a revenue of \$1.3 billion to Arizona, Listen To Us."

Jim Grimes thanked the Board for taking this action for their area. He said he owns two lots, one with his house and another 35,000 square foot lot in front of this with his tractor parked on it, which has put him in violation with the County. He said that Planning has said he has no "Use Permit" to park his tractor on his lot. Formerly he had pasture there and had a riding lawn mower parked there for which the County said he needed a use permit. He explained, "So, we have no rights to our properties out there." He said that Mr. Gerard told him if he would spend \$500 for a use permit, or spend \$5,000 to try to get the zoning changed he could get a use permit for it. Mr. Grimes said he resigned as

a fire fighter five years ago so he could move to the country and have serenity, and plant his pasture, and mow it with his riding mower, but he can't do that because he has no "use permit."

Julee Brady said she supports the equestrian lifestyle and the importance of passing that heritage and lifestyle to today's youth. The opportunity for those to live the rural lifestyle is a great asset to this country and she wants to see it preserved.

Dee Perez favors ability to board five horses but suggested eliminating the number of people stipulation because with 4-H and scout groups you might have to go over the limit sometimes.

Steve Orlando said that horse people are very responsible people and believes most horse people act responsibly towards their neighbors and others. He felt that the regulation to assure five horses would be very tough to keep track of. He trains horses and there is a lot of "in and out" of different horses. He questioned whether the regulation would be worth the expense.

LeeAnn Alblor, a 16 year-old whose family owns horses asked for approval of this item.

Leon Morton referenced his property in Cave Creek saying he owns seven horses and boards seven more for friends. He said the money he receives for boarding barely covers the expenses for his own horses. He feels responsibility for and to others is the key and felt the whole thing should be thrown out. He advised people not to move in next to horse owners if they don't like horses and the resulting activities.

Jessica Cohen has made her living riding, training and giving lessons since she was 12. She agreed with the idea of throwing it all out as an infringement of the rights of responsible people. She believes horses make a positive difference in kids lives.

Supervisor Brock commented on the difficulty of this situation and in dealing with the challenges that accompany rapid growth that has been experienced in Maricopa County. He explained that these cases arise from complaints of citizens and the County is then forced to investigate. Commenting on the touching testimony from those here today he said the bottom line is that government can't solve all the problems and residents have to be considerate of their neighbors. He asked for better communication, especially with those "city slickers" who move in and then complain about everything. He pointed out that most of the Board Members are or have been horse people too and have empathy for those who have spoken. But, at the same time the Board has to try to be fair to all, to regulate air quality, dust control, noise, stadium lights, pollution and odors for all residents.

Supervisor Kunasek commented on the idea of "just throwing all of this out" as voiced by several, saying he felt it would be detrimental to those wishing to proceed in helping people understand the benefits given by horses and a rural lifestyle. He said several things being taken for granted are not allowed under the zoning code in effect today and he felt a "fix" was in order. He explained that his hesitancy to go to the "50" was because if approved the Board cannot take it away if it becomes a problem, whereas the "24" could be expanded if necessary. He noted that if someone holds a roping event and the word is out there is no controlling who or how many show up and he was uneasy going from zero to 50 people.

Motion was made by Supervisor Kunasek and seconded by Supervisor Stapley to concur with Planning and Zoning recommendation for approval of a new MCZO, Art. 501.2.21.e subject to modified language regarding the number of horses boarded and

the number of people at non-commercial public events.:

Supervisor Wilcox had concerns about the number of horses, saying she knew a lot of people who had more than five horses on their property when she was growing up and as an elected official has seen encroachment into rural areas. She felt that with this amendment steps are being taken to protect the horse owner so they can board horses. She said calls received from city people who move into rural areas can be very persuasive and they can soon outnumber the horse owners. She said that allowing the five is giving a privilege that might not be available in the future. She said she would support this amendment with the "24" but asked for a report on how it was working out in a year. She asked, and was told, that home occupation is not included in this text amendment. She said she looks at this as preserving a lifestyle.

Supervisor Brock wondered if there has been an over-reaction on this and offered a different viewpoint. He felt most people who move to the country enjoy animals and are looking for a relaxed lifestyle with fewer restrictions than city living. He felt it might be a better solution to limit the number of events rather than the number of people or animals.

Supervisor Brock made a substitute motion allowing an unlimited number of horses to be boarded and an unlimited number of people on site and to limit the number of events to five per year. Other limitations would be because of lot size and space for vehicles and animals. The motion died for lack of a second.

Chairman Wilson gave his background with horses and with the infringement of "city slickers" on the rural lifestyle. He cited Scottsdale as a good example of this. He agreed that this is a way to protect people who have horses. He believed it might not be perfect but it would give the County a way to protect horse lovers and answer complaints that are received. He said he would support Supervisor Kunasek's motion.

Supervisor Stapley asked staff to respond to the early question of inadequate public notice given in statute in relation to text amendments, asking if Board action on this would be legal.

Mr. Peck said this hearing was legal. He said that Mr. Keller had been partially correct regarding notification of a text amendment initiated by other than the property owner that would bring a more restrictive use. He explained that today's action is taking more restrictive zoning and making it less restrictive and personal notification by mail is not necessary for that; publishing is acceptable.

Supervisor Stapley said he had seconded the motion because he believes this enhances a lifestyle and preserves rights that otherwise could be lost.

Prior to the vote, Supervisor Kunasek thanked staff and several other key people who are horse lovers and who have been fighting for protections. He said that as the cities and towns annex out towards the rural communities he believed that existing zoning and entitlements must be recognized. He acknowledged that this action does infringe on some jurisdictional abilities and believed the absence of protests from any of the cities or towns was an acknowledgment of tacit agreement. He felt this is doing the right thing for the right reasons.

Supervisor Kunasek explained that the earlier motion and second included the following:

Public equestrian uses accessory to a single-family residence limited to the following:

1. The boarding of up to five (5) horses and/or other equine not owned by the private property owner and/or resident. Documentation of ownership shall be maintained when more than five (5) horses and/or other equine are kept on a property.
2. Non-commercial public activities (no admission fee shall be charged) involving up to a maximum of 24 ~~50~~ persons (including staff, participants and spectators).
3. All structures shall meet minimum setback requirements and the maximum lot coverage requirement. All parcels must meet minimum lot area and width requirements.
4. Any public equestrian use that cannot meet these conditions will require a Special Use Permit in accordance with Article 1301.1.20 of this ordinance.

Motion by: Supervisor Kunasek, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Wilcox, Wilson
Nays: Brock

Chairman Wilson called a five minute recess at 11:00 a.m.

7. TEXT AMENDMENT - PARK DEFINITION

Case TA2009007
Number:
Supervisory District: All Districts
Applicant: Commission Initiative
Location: N/A
Request: Text Amendment (TA) to the Maricopa County Zoning Ordinance (MCZO) to add a definition for "Park" in Chapter 2.
Commission Action: Approve by a vote of 6-1 with language as modified by the Commission:
Park - Any public or private non-commercial, not-for-profit land established and ~~primarily~~ intended for recreational, educational, cultural, natural area or wildlife preservation, scenic or aesthetic use intended for leisure time enjoyment. This definition shall not be construed to include entry features or landscape buffers around the perimeter of a subdivision that serve no other active or passive recreational purpose. This definition shall not be construed to include recreational facilities where activity takes place completely indoors.

(C-44-10-008-7-00)

Darren Gerard explained this text amendment would add a definition in the zoning ordinance. There are regulations in the ordinance to regulate distances of separation between parks and businesses or signs, This would define the word "park."

In review the language recommended by the Planning Commission staff made one exception – believing the word "primarily" adds more confusion than it eliminates.

Motion to concur with Planning and Zoning recommendation for approval as amended, a new definition in MCZO, Ch. 2 subject to modified language as shown below:

"Park - Any public or private non-commercial, not-for-profit land established and ~~primarily~~ intended for recreational, educational, cultural, natural area or wildlife preservation, scenic or aesthetic use intended for leisure time enjoyment. This definition shall not be construed to include entry features or landscape buffers around the

perimeter of a subdivision that serve no other active or passive recreational purpose. This definition shall not be construed to include recreational facilities where activity takes place completely indoors.”

Motion by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

ATTEST:

Max W. Wilson, Chairman of the Board

Fran McCarroll, Clerk of the Board

FLOOD CONTROL DISTRICT

The Board of Directors of the Flood Control District of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 AM on Wednesday, August 19, 2009, in the Board of Supervisors Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Max Wilson, Chairman, District 4; Fulton Brock, District 1; Don Stapley, District 2; Andrew Kunasek, District 3; Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

F-1. RESOLUTION FOR CAVE BUTTES DAM SEEPAGE REMEDIATION

Adopt Resolution FCD 2009R009 for the Cave Buttes Dam Seepage Remediation (Project [#350]), authorizing the Chief Engineer and General Manager of the Flood Control District of Maricopa County (District) to advertise, select, negotiate, and award contracts for engineering and construction services, negotiate Intergovernmental Agreements, acquire rights-of-way, and include funding in the District's Five-Year Capital Improvement Program. The estimated Project cost is \$5,985,000.

The Cave Buttes Dam and its three dikes are located North of SR-101L and West of Cave Creek Road. Cave Buttes Dam was constructed without a downstream seepage collection system and with a single 45 inch diameter outlet. Seepage appeared at the left (east) abutment area of the dam during a 1993 flood event in which the maximum reservoir level rose to within 22 feet of the crest elevation of the emergency spillway.

The District has identified a need to remediate Cave Buttes Dam and two dikes by constructing a downstream seepage collection system comprised of a filter-drain system with relief wells and one additional outlet to drain the dam in less time. This Project will implement permanent dam safety measures in the interest of risk reduction and public safety. This item impacts Supervisory Districts 3, 4, and 5. (C-69-10-006-6-00)

Motion to approve by: Director Brock, Seconded by: Director Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

F-2. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Approve easements and right-of-way acquisition documents, appraisal and relocation assistance services contracts under \$5,000 per Resolution FCD 87-12; Escrow Instructions per Resolution FCD 87-13; Payment of Tax Notices per Resolution FCD 97-07; License Procedures and Fee Schedules per Resolution FCD2002R002; and disposal of easements, excess real property and fixtures under \$250,000 documents per FCD 1999R016 for Flood Control purposes. The list is on file in the Clerk of the Board's Office. (C-06-10-058-7-00)

Motion to approve by: Director Brock, Seconded by: Director Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

F-3. EXCEPTION TO THE TECHNOLOGY FINANCE PROGRAM FOR PURCHASE OF COMPUTERS, SERVERS, AND STORAGE EQUIPMENT

Approve an exception to the Technology Finance Program (TFP) for the Flood Control District of Maricopa County (District) to purchase computers, servers, and storage equipment through the District's operating fund (988). The estimated cost of the computer equipment is \$151,300 for purchase during FY 2010.

Approval of this action will support the District's replacement of obsolete computer equipment and increase the storage capacity of the Geographic Information System (GIS). (C-69-10-007-M-00)

Motion to approve by: Director Brock, Seconded by: Director Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

F-4. CONTRACT WITH ENTELLUS, INC., FOR PROFESSIONAL ENGINEERING SERVICES FOR PALO VERDE WATERSHED DETAILED FLOODPLAIN DELINEATION STUDY

Award Contract FCD 2008C046, Palo Verde Watershed Detailed Floodplain Delineation Study, to Entellus, Inc., for professional engineering services. This contract is a lump sum of \$1,150,748.63, plus a not-to-exceed amount of \$881,253.32 for optional items. These optional items include additional field surveying, hydrology modeling, and floodway delineation. The total contract amount including optional items will not exceed \$2,032,001.95. The contract performance is 1,095 calendar days effective the date of the Notice to Proceed.

This is a qualification-based selection in accordance with Maricopa County Procurement Code, Article 5, Paragraph 504.

The current Zone A floodplains in the Palo Verde watershed where delineated using approximate hydrology methods and 10-foot topography. With new power generating facilities under development in the area and residential subdivisions planned, this detailed floodplain delineation study is necessary to more successfully manage current and future floodplain uses for this part of the County. This Agenda item is located in Supervisory Districts 4 and 5. (C-69-10-011-5-00)

Motion to approve by: Director Brock, Seconded by: Director Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

F-5. CONTRACT WITH J2 ENGINEERING AND ENVIRONMENTAL DESIGN FOR DURANGO REGIONAL CONVEYANCE CHANNEL, 75TH AVENUE TO 107TH AVENUE

Award Contract FCD 2009C007, Durango Regional Conveyance Channel, 75th Avenue to 107th Avenue Project (Project [#565]) to J2 Engineering and Environmental Design. This contract is a lump sum of \$216,099.88, plus a not-to-exceed amount of \$61,762.24 for optional items. These optional items include additional critical items survey and mapping, a second PAAC meeting and rights-of-way delineation. The total contract amount including optional items will not exceed \$277,862.12. The contract performance is 140 calendar days effective the date of the Notice to Proceed.

This is a qualification-based selection in accordance with Maricopa County Procurement Code, Article 5, Paragraph 504.

The Durango Area Drainage Master Plan (ADMP) identified flooding problems in the Durango area and recommended solutions to these problems. The Project is to capture and convey the 100-year flood from 75th Avenue to 107th Avenue at the Elwood Street alignment, and detain flows within a basin at 107th Avenue and Elwood Street. This project is located in District 5. (C-69-10-010-5-00)

Motion to approve by: Director Brock, Seconded by: Director Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

F-6. IGA WITH U.S. DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE FOR WHITE TANKS NO. 3 FLOOD RETARDING STRUCTURE REHABILITATION PROJECT - PHASE II

Approve Intergovernmental (IGA) Agreement FCD 2009A013, between the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) and the Flood Control District of Maricopa County (District) for the cost sharing, planning, design, construction and operation and maintenance of the White Tanks No. 3 Flood Retarding Structure (FRS) Rehabilitation Project – Phase II (Project [#470]). The estimated total Project cost remaining to be spent is \$11,000,000, of which NRCS will fund an amount estimated to be (and not-to-exceed) \$3,271,995.19, and the District will fund an amount estimated to be \$7,728,004.81.

This IGA is effective the date it is fully executed by all parties. It shall become null and void 90-calendar days after the date NRCS has executed the IGA, if a contract has not been awarded. The IGA shall expire five-years from the effective date.

The White Tanks No. 3 FRS is a major flood control feature within the White Tanks Mountain's easterly watershed. Modifications are required to bring the structure into compliance with current dam safety standards and requirements. This Agenda Item impacts Supervisory District 4. (C-69-10-008-3-00)

Motion to approve by: Director Brock, Seconded by: Director Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

F-7. DECLARE EXCESS PARCEL - DISTRICT #FP014

Pursuant to A.R.S. §48-3603, declare as excess parcel and authorize the Flood Control District of Maricopa County (District) to sell the parcel as described below, at public auction or in the event of sale to a municipality, at market value without an auction, to reduce the District's liability and maintenance. Conveyance documents for the sale of the parcel will be presented to the District Board of Directors for acceptance and signature at the time of sale.

Property Information:

1. 1239 E Cloud Road in Desert Hills, Arizona - Parcel No. APN 211-52-012B. This parcel is 1.5 +/- acres.

The District utilizes its Disposition Program on all excess properties to evaluate them for the best potential of sales or leasing, depending on current market information. The sale price of the property will be determined by a certified licensed appraiser. This item is located in Supervisory District 3. (C-69-10-009-8-00)

Motion to approve by: Director Brock, Seconded by: Director Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

F-8. MINUTES

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Board meetings held May 6, 2009 and June 3, 2009. (C-06-10-043-7-00)

Motion to approve by: Director Brock, Seconded by: Director Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

ATTEST:

Max W. Wilson, Chairman of the Board

Fran McCarroll, Clerk of the Board

LIBRARY DISTRICT

The Board of Directors of the Library District of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 AM on Wednesday, August 19, 2009, in the Board of Supervisors Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Max Wilson, Chairman, District 4; Fulton Brock, District 1; Don Stapley, District 2; Andrew Kunasek, District 3; Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

L-1. MINUTES

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Board meetings held May 6, 2009, May 14, 2009 and June 3, 2009. (C-06-10-044-7-00)

Motion to approve by: Director Stapley, Seconded by: Director Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

L-2. DONATIONS

In accordance with County Policy A2805, accept the monthly donation report received from Library District for July 2009. Donation reports are on file in the Clerk of the Board's Office. (C-06-10-045-7-00)

Motion to approve by: Director Stapley, Seconded by: Director Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board